

# **Request for City Council for the City of Ingleside, Texas**

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**Subject:** Amendment to Ingleside City Code Chapter 34 – Fire Prevention And Protection

**Submitted By:** Michael Lovie

**For The Agenda of:** November 18, 2014

**Attachments:** Amendment to Ingleside City Code Chapter 34 – Fire Prevention And Protection

**Approved By City Manager:** \_\_\_\_\_

**Summary Statement:** This amendment is an attempt to bring the City of Ingleside into compliance with State and National standards required for fire prevention and protection codes currently adopted by the State of Texas.

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**Recommended Action:** Staff recommends approval of the Amendment.

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## ORDINANCE \_\_\_\_\_

### AN ORDINANCE AMENDING CHAPTER 34 FIRE PREVENTION AND PROTECTION, INGLESIDE CODE OF ORDINANCES AND PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:**

**SECTION 1. AMENDMENT.** Chapter 34 - Fire Prevention And Protection, Ingleside Code of Ordinances is hereby amended to read as follows, new matter being indicated by underscoring and deleted matter by interlineations:

Sec. 34-1. - ~~Adoption of code~~ International Fire Code 2012 Edition adopted; regulations for flammable liquids; penalty for violation of chapter

(a) ~~The Standard Fire Prevention Code, 1994 Edition, and all appendices as published by the Southern Building Code Congress International, Inc.,~~ International Fire Code, 2012 edition, including Appendix Chapters (see International Fire Code Section 101.2.1, 2012 edition), as published by the International Code Council, the whole thereof, save and except such portions as may be amended, of which not less than one copy has been and is now filed in the office of the city secretary is hereby adopted.

(b) The rules and regulations for the safe storage, handling, and use of flammable liquids at retail service stations promulgated by the state department of insurance and the whole thereof, save and except such portions as may be amended, of which not less than one copy has been and is now filed in the offices of the city is hereby adopted and incorporated as fully as if set forth in this subsection. On the date on which this ordinance from which this chapter was derived shall take effect, the provisions thereof shall be controlling with regard to all of the provisions contained therein pertaining to fire prevention and the safe storage and handling of flammable liquids within the area of jurisdiction of the city.

(c) Violation of any of the terms of the standards adopted in this section, shall, in addition to any and all other penalties or remedies in such code and rules and regulations above described and adopted shall be punishable as provided in section 1-14. All such persons in violation of the standards adopted in this section shall be required to correct or remedy such violation or defects within a reasonable time.

The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions, use, or operations, or any other remedies permitted by law.

Sec. 34-2. - Amendments and deletions.

The fire prevention code adopted in section 34-1 is amended as follows:

Section 101.1 is amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the Fire Code of the City of Ingleside, Texas, hereinafter referred to as "this Code".

~~Section 105.1~~ 108 is amended to read as follows:

The board of adjustment of the city, which has been established pursuant to Charter sections 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 34-1, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

~~Sec. 34-3. Arson reward Established.~~

~~The city is hereby authorized to offer a standing reward of \$250.00, payable to any person furnishing information leading to the arrest and final conviction of any person guilty of arson within the city. The \$250.00 will be paid for information leading to the arrest and final conviction of one or more persons guilty of arson in connection with any one fire and, when information is given by more than one person leading to the arrest and final conviction of any person guilty of arson, the reward of \$250.00 will be prorated.~~

~~Sec. 34-4. Same Notice.~~

~~The city secretary is hereby authorized and instructed to have posted placards inside of different public buildings within the city, such placards to be eight inches by 12 inches, in wooden frames under glass, and with the following language printed thereon:~~

#### ~~REWARD~~

~~The City of Ingleside, Texas, will pay the sum of \$250.00 to any person or persons furnishing information leading to the arrest and final conviction of any person or persons guilty of arson within the city limits of the City of Ingleside. The \$250.00 will be paid for information leading to the arrest and final conviction of one or more persons guilty of arson in connection with any one fire, and when information is given by more than one person leading to the arrest and final conviction of any person guilty of arson, then the reward of \$250.00 will be prorated.~~

~~\_\_\_\_\_  
\_\_\_\_\_  
Mayor,~~

~~\_\_\_\_\_  
City of Ingleside, Texas~~

#### ~~Sec. 34-5. Same Not available to certain persons.~~

~~No officer in the employ of the city, county or state, whose duty it is to detect violations of the law or to make arrests in connection therewith, shall be entitled to a reward for information leading to the arrest and conviction of any person guilty of arson.~~

#### ~~Sec. 34-6. International fire code adopted; amendments; geographic limits.~~

~~(a) *Code adopted.* A certain document, three copies of which are on file in the office of the Fire Chief of Ingleside, being marked and designated as the International Fire Code, 2003 edition, including Appendix Chapters (see International Fire Code Section 101.2.1, 2003 edition), as published by the International Code Council, be and is hereby adopted as the fire code of Ingleside, in the State of Texas regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the City of Ingleside are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b) of this section.~~

~~(b) — Amendments. That the following sections are hereby revised:~~

~~Section 101.1 Insert: City of Ingleside~~

~~Section 109.3 insert:~~

~~Section 111.4 Insert:~~

~~(c) — Geographic limits. The geographic limits referred to in certain sections of the 2003 International Fire Code are hereby established as follows:~~

~~Section 3404.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited):~~

~~Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited):~~

~~Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited):~~

~~Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas):~~

**SECTION 2. EFFECTIVE DATE.** As provided by Article III, Section 3.11.C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

**SECTION 3. READING.** As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance or the caption of it shall be read at two city council meetings with at least two weeks elapsing between each reading.

**SECTION 4. SEVERANCE.** If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

**SECTION 5. PUBLICATION.** If and as required by Article III, Section 3.11.C of the Charter of the City of Ingleside, the caption of this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas.

**PASSED, ORDAINED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY OF INGLESIDE**

**BY:** \_\_\_\_\_  
**Pete Perkins, Mayor**

**ATTEST:**

\_\_\_\_\_  
**CITY SECRETARY**

**First Reading:** \_\_\_\_\_

**Second Reading:** \_\_\_\_\_